

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 11/22/2023

NORMA J. RODGERS SOLOMON-EL,
Plaintiff,
-against-
MONTEFIORE MEDICAL CENTER,
Defendant.

23-CV-8200 (MKV)

**ORDER VACATING MEDIATION
REFERRED AND SETTING
BRIEFING SCHEDEULE**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff, acting *pro se*, commenced this action on September 15, 2023 by filing a Complaint [ECF No. 1]. On October 2, 2023, the Court entered a Mediation Referral Order to the Court's Mediation Program [ECF No. 6]. On November 17, 2023, Defendant filed a letter motion requesting that the Court vacate the referral to mediation and seeking leave to file a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff has not filed a response.

Accordingly, IT IS ORDERED that the Mediation Referral Order [ECF No. 6] is HEREBY VACATED and Defendant is GRANTED leave to file its Motion to Dismiss.

IT IS FURTHER ORDERED that on or before December 1, 2023, Plaintiff must inform the Court via letter whether she intends to amend her complaint. This will be Plaintiff's last opportunity to amend the complaint in response to arguments raised in the parties' letters.

IT IS FURTHER ORDERED that if the Plaintiff does not amend her complaint, Defendant must file its motion to dismiss on or before December 8, 2023. Further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

IT IS FURTHER ORDERED that if the Plaintiff elects to amend her complaint, the amended complaint is due on or before December 8, 2023. Defendant must respond to any

amended complaint within 14 days of its filing. In the event Defendant files a new motion to dismiss, the briefing for that motion will be on the schedule set forth in Local Rule 6.1(b).

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

The clerk of Court is respectfully requested to terminate docket entry 10.

SO ORDERED.

Dated: November 22, 2023
New York, New York

Mary Kay Vyskocil

MARY KAY VYSKOCIL
United States District Judge